

Senate File 2181 - Enrolled

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AN ACT

RELATING TO THE FUNDING AND OPERATION OF PROGRAMS TO COLLECT
AND DISPOSE OF HOUSEHOLD HAZARDOUS MATERIALS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 455E.11, subsection 2, paragraph a, subparagraph (2), subparagraph divisions (d), (e), and (f), Code 2016, are amended to read as follows:

~~(d) For the fiscal year beginning July 1, 2005, nine and one-half percent to the department to establish permanent household hazardous waste collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis. Beginning July 1, 2006, six and one-quarter percent to the department to establish permanent household hazardous waste collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis. Beginning July 1, 2007, three~~ Three percent to the department to establish permanent household hazardous waste materials collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis. Beginning July 1, 2008, any moneys collected pursuant to this subparagraph division that remain unexpended at the end of a fiscal year for establishment of permanent household hazardous waste materials collection sites shall be used for purposes of subparagraph division (e).

~~(e) For the fiscal year beginning July 1, 2005, three percent to the department for payment of transportation costs related to household hazardous waste collection programs. Beginning July 1, 2006, six and one-quarter percent to the department for payment of transportation costs related to household hazardous waste collection programs. Beginning July 1, 2007, nine~~ Nine ~~and one-half percent to the department for payment of transportation~~ collection and disposal ~~costs related to household hazardous waste~~ materials ~~collection programs.~~

(f) ~~Eight and one-half percent to the department to provide additional toxic cleanup days~~ support special events for household hazardous materials collection ~~or other efforts of the department to support~~ the household hazardous materials program, permanent household hazardous material collection systems ~~and special events for household hazardous material collection,~~ and for the natural resource geographic information system required under section 455E.8, subsection 4. ~~Departmental rules adopted for implementation of toxic cleanup days shall provide sufficient flexibility to respond to the household hazardous material collection needs of both small and large communities. Repayment moneys from the Iowa business loan program for waste reduction and recycling pursuant to~~ section 455B.310, subsection 2, paragraph "b", Code 1993, and discontinued pursuant to 1993 Iowa Acts, ch. 176, §45, shall be placed into this account to support household hazardous materials programs of the department.

Sec. 2. Section 455E.11, subsection 2, paragraph c, subparagraphs (1) and (2), Code 2016, are amended to read as follows:

(1) The moneys collected pursuant to section 455F.7 and moneys collected pursuant to section 29C.8A which are designated for deposit, shall be deposited in the household hazardous waste account. Two thousand dollars is appropriated annually to the Iowa department of public health to carry out departmental duties under section 135.11, subsections 18 and 19, and section 139A.21. The remainder of the account shall be used to fund ~~toxic cleanup days~~ and the efforts of the department to support a collection system for household hazardous materials, including public education programs,

training, and consultation of local governments in the establishment and operation of permanent collection systems, and the management of collection sites, education programs, and other activities pursuant to [chapter 455F](#), including the administration of the household hazardous materials retailer permit program by the department of revenue.

(2) The department shall submit to the general assembly, annually on or before January 1, an itemized report which includes but is not limited to the total amount of moneys collected and the sources of the moneys collected, the amount of moneys expended for administration of the programs funded within the account, results of the efforts of the department to support a collection system for household hazardous materials pursuant to chapter 455F, and an itemization of any other expenditures made within the previous fiscal year.

Sec. 3. Section 455F.1, subsection 3, Code 2016, is amended by striking the subsection.

Sec. 4. Section 455F.1, subsection 4, Code 2016, is amended to read as follows:

4. "*Household hazardous material*" means a product used for residential purposes and designated by rule of the department of natural resources and may include any hazardous substance as defined in [section 455B.411, subsection 2](#); and any hazardous waste as defined in [section 455B.411, subsection 3](#); ~~and shall include but is not limited to the following materials: motor oils, motor oil filters, gasoline and diesel additives, degreasers, waxes, polishes, pure solvents, lacquers, thinners, caustic household cleaners, spot and stain remover with petroleum base, petroleum-based fertilizers, and paints with the exception of latex-based paints.~~ However, "*household hazardous material*" does not include noncaustic household cleaners, laundry detergents or soaps, dishwashing compounds, chlorine bleach, personal care products, personal care soaps, cosmetics, and medications.

Sec. 5. Section 455F.1, Code 2016, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. "*Regional collection center*" means a secured facility at which collection, sorting, and packaging of household hazardous materials and hazardous materials from

conditionally exempt small quantity generators are accomplished prior to transportation of these materials to the final disposal site. Regional collection centers have regular hours during which the public may drop off hazardous materials. A regional collection center may be a government agency or a private agency under contract with a government agency as part of a solid waste comprehensive plan.

NEW SUBSECTION. 7A. *"Satellite facility"* means a secured facility at which collection and storage of household hazardous materials and hazardous materials from conditionally exempt small quantity generators are accomplished prior to transportation of these materials to a regional collection center. A satellite facility has a written contract with a regional collection center for the removal of collected household hazardous materials. A satellite facility may be operated by a government agency or a private agency under contract with a government agency as part of a solid waste comprehensive plan. A satellite facility is available for public drop off of household hazardous materials either during regularly scheduled hours or by appointment.

Sec. 6. Section 455F.5, Code 2016, is amended to read as follows:

455F.5 ~~Duties of the commission~~ Rules.

The commission shall:

- ~~1. Adopt rules which establish a uniform label to be supplied and used by retailers.~~
- ~~2. Adopt rules which designate the type and amount of information to be included in the consumer information booklets and bulletins~~ adopt rules to implement the programs established pursuant to this chapter.

Sec. 7. Section 455F.6, subsection 3, Code 2016, is amended by striking the subsection.

Sec. 8. Section 455F.8, Code 2016, is amended to read as follows:

455F.8 ~~Household hazardous waste cleanup~~ materials program created.

The department shall conduct programs to ~~collect and dispose of small amounts~~ promote the proper management of household hazardous wastes ~~which are being stored in residences or on~~

farms materials collected from residents and conditionally exempt small quantity generators. ~~The program shall be known as "toxic cleanup days". The department shall promote and conduct the program and shall by contract with a qualified and bonded waste handling company, collect and properly dispose of wastes believed by the person disposing of the waste to be hazardous. The department shall establish maximum amounts of hazardous wastes to be accepted from a person during the toxic cleanup days program. Amounts accepted from a person above the maximum shall be limited by the department and may be subject to a fee set by the department, but the department shall not assess a fee for amounts accepted below the maximum amount. The department shall designate the times and dates for the collection of wastes. In order to achieve the maximum benefit from the program, the department shall offer toxic cleanup days on a statewide basis and provide at least one toxic cleanup day in each departmental region. Toxic cleanup days shall be offered in both rural and urban areas to provide a comparison of response levels and to test the viability of multicounty toxic cleanup days. The department shall prepare an annual report citing the results and costs of the program for submittal to the general assembly.~~

Sec. 9. Section 455F.8A, Code 2016, is amended to read as follows:

455F.8A Household hazardous material collection sites regional collection centers and satellite facilities.

1. ~~By January 1, 1991, the department shall complete an assessment of the needs of local governments for temporary collection sites for household hazardous materials. Upon completion of the assessment, the department shall design a model facility which would adequately serve the needs identified. During the design phase, the department shall also identify facility permit requirements.~~

2. ~~a. Following the completion of the assessment and design of the model facility, the~~ The department shall set a goal of establishing establish a three-year competitive grant program to assist in the development of five pilot household hazardous waste reduction and collection programs permanent household hazardous material regional collection centers and satellite

facilities.

b. The grant program shall provide for the establishment of ~~five pilot sites~~ permanent collection facilities so that both rural and urban populations are served.

c. The department shall develop criteria to evaluate proposals for the establishment of ~~sites~~ permanent collection facilities. The criteria shall give priority to proposals for ~~sites~~ permanent collection facilities which provide the most efficient services and which provide local, public, and private contributions for establishment of the ~~sites~~ permanent collection facilities. The criteria shall also include a requirement that the recipient of a grant design and construct a facility sufficient for the collection, sorting, and packaging of materials prior to transportation of the materials to the final disposal site. Final review of design and construction of the proposed facilities shall be by the department.

d. The recipients of grants shall provide for collection of hazardous wastes from conditionally exempt small quantity generators in the area of the facility established. The facility shall require payment for collection from conditionally exempt small quantity generators if the amount of waste disposed is greater than ten pounds. Conditionally exempt small quantity generators which deliver their hazardous wastes to ~~the site~~ a permanent collection facility shall not be required to obtain a permit to transport the hazardous waste to the ~~site~~ permanent collection facility.

~~3.~~ 2. A private agency An owner or operator of a collection facility which provides for the collection and disposal of household hazardous ~~waste materials~~ as part of an approved comprehensive plan pursuant to [section 455B.306](#) shall be eligible for reimbursement moneys pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (2), subparagraph division (e). The department shall develop eligibility criteria for the receipt of such reimbursement moneys.

Sec. 10. Section 455F.9, Code 2016, is amended to read as follows:

455F.9 Education Public information and education program.
~~In addition to the toxic cleanup days program, the~~ The

department shall implement a public information and education program regarding the ~~use and disposal~~ proper management of household hazardous materials. The program shall provide appropriate information concerning the reduction in use of the materials, including the purchase of smaller quantities, selection of alternative products, and ~~hazards associated with the use of unregistered and unregulated alternative products~~ proper disposal. The department shall also develop and provide to a retailer upon request, at departmental expense, consumer brochures which provide information about household hazardous materials. The retailer shall distribute the brochures without charge to customers upon request. The department shall cooperate with existing educational institutions, the household product industry, distributors, wholesalers, and retailers, and other agencies of government and shall enlist the support of service organizations, whenever possible, in promoting and conducting the ~~programs~~ program in order to effectuate the household hazardous materials policy of the state.

Sec. 11. REPEAL. Sections 455F.4, 455F.8B, and 455F.11, Code 2016, are repealed.

PAM JOCHUM
President of the Senate

LINDA UPMEYER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2181, Eighty-sixth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2016

TERRY E. BRANSTAD
Governor